

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOMINGO GERMAN MACAVILCA,

Case No. C08-5637 FDB

Plaintiff,

V.

WARDEN WIGGEN, *et al.*

ORDER ADOPTING REPORT  
AND RECOMMENDATION  
DISMISSING COMPLAINT  
WITHOUT PREJUDICE

## Defendants.

The Magistrate Judge recommends this civil rights action be dismissed for failure to prosecute. Plaintiff has not filed an objection.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's action is **DISMISSED WITHOUT PREJUDICE**; and
- (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. Karen L. Strombom.

DATED this 26<sup>th</sup> day of May, 2009.

, 2009. 

FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE